

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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DANIEL MARTIN,

Plaintiff,

v.

CASE NO: 16-CV-13090-DT

MCINTOSH, ET AL.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate Stephanie Dawkins Davis pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In her report filed on April 21, 2017, the magistrate judge recommended that this court dismiss plaintiff's complaint with prejudice under Federal Rule of Civil Procedure 41(b) and that the pending motion to dismiss [Dkt #10] be terminated as moot. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.<sup>1</sup>

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint against Defendants is **DISMISSED WITH PREJUDICE** and Defendants' Motion to Dismiss [Dkt #10] is **TERMINATED AS MOOT**.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 26, 2017

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<sup>1</sup>The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 26, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(810) 292-6522